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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
07/137,182	12/23/87	KEYSER	P-85,1466

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EXAMINER	
MCCARTHY JR	
ART UNIT	PAPER NUMBER
137	4

DATE MAILED: 10/28/88

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire ~~months~~ THIRTY (30) days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☐ Notice of References Cited by Examiner, PTO-892.
2. ☒ Notice re Patent Drawing, PTO-948.
3. ☐ Notice of Art Cited by Applicant, PTO-1449
4. ☐ Notice of informal Patent Application, Form PTO-152
5. ☒ Information on How to Effect Drawing Changes, PTO-1474
6. ☐ _____

Part II SUMMARY OF ACTION

1. ☒ Claims 1-38 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☐ Claims _____ are rejected.
5. ☐ Claims _____ are objected to.
6. ☒ Claims 1-38 are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.
8. ☐ Allowable subject matter having been indicated, formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. These drawings are ☐ acceptable;
☐ not acceptable (see explanation).
10. ☐ The ☐ proposed drawing correction and/or the ☐ proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved. ☐ disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.
12. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

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(1) Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1, 4-17, and 19, drawn to a blow molding machine, classified in Class 425, subclass 504.

II. Claims 2, 3, and 18, drawn to a method of blow molding, classified in Class 264, subclass 509.

III. Claims 20-33, drawn to a label transporting and dispensing apparatus, classified in Class 271, subclass 5.

IV. Claims 34-38, drawn to a label dispensing means, classified in Class 271, subclass 9.

The inventions are separate and distinct, each from the other because of the following reasons:

Inventions II and I, III, and IV are related as process and apparatus for its practice.

The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP 806.05(e)).

In this case the process as claimed can be practiced by another and materially different apparatus such as with a machine with a linear mold moving mechanism rather than a wheel (claim 1); such as without guide track means (claims 4 and 19); such as without transport chains (claim 20); and such as without label rack means (claims 34 and 38).

Inventions I and III are related as combination and subcombination.

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Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability and (2) that the subcombination has utility by itself or in other combinations. (MPEP 806.05(c)).

In this instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination does not require a label dispenser capable of dispensing two labels simultaneously as evidenced by claim 1. The subcombination has separate utility such as for feeding labels to an injection mold apparatus.

Inventions I and IV are related as combination and subcombination.

Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability and (2) that the subcombination has utility by itself or in other combinations. (MPEP 806.05(c)).

In this instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination does not require a label rack means as evidenced by claim 1. The subcombination has separate utility such as for in-mold labeling in conjunction with an injection mold apparatus.

Inventions III and IV are related as subcombinations disclosed as useable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately useable. In the instant case, invention IV has separate

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utility such as for dispensing labels one at a time. See (MPEP 806.05(d)).

(3) Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

(4) Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

(5) Any inquiry concerning this communication should be directed to McCarthy at telephone number 703-557-2475.

mm
McCarthy/pmj
10-09-88

Jan H. Silbaugh
JAN H. SILBAUGH
SUPERVISORY PATENT EXAMINER
ART UNIT 137 10/28/88